

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 5101:2-16-12

Rule Type: New

Rule Title/Tagline: Publicly funded child care program integrity review.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

Address: OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH
43218-3204

Contact: Michael Lynch

Email: Michael.Lynch@jfs.ohio.gov

Phone: 614-466-4605

I. Rule Summary

1. Is this a five year rule review? No

A. What is the rule's five year review date?

2. Is this rule the result of recent legislation? Yes

A. If so, what is the bill number, General Assembly and Sponsor? HB 166 - 133
- Oleslager

3. What statute is this rule being promulgated under? 119.03

4. What statute(s) grant rule writing authority? 5104.38

5. What statute(s) does the rule implement or amplify? 5104.37

6. What are the reasons for proposing the rule?

This new rule is being proposed to replace rescinded rule 5101:2-16-72 to group regulations according to topic and to renumber the rules consecutively as part of the five year rule review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This new rule outlines the requirements of publicly funded child care program integrity reviews. There were no changes made to the rule.

8. **Does the rule incorporate material by reference? Yes**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with RC 121.71 to 121.74 pursuant to RC 121.76(A)(3).

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

This rule is being revised to remove provider agreement suspension language as a result of Am. Sub. H.B. 166 of the 133rd General Assembly, to add that the rule is amended due to the passage of this legislation, to add clarification regarding what happens if the Ohio Department of Job and Family Services determines misuse of publicly funded child care as a result of a Program Integrity Review, and in paragraph (E) the word "either" was changed to "both" for clarification.

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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This rule has no expected fiscal impact on current or future budgets.

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Child care providers must maintain child care records on-site. The amount of time for record keeping will vary depending on the number of children enrolled in the program.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes
16. Does this rule have an adverse impact on business? Yes

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes

An eligible provider must sign a provider agreement to receive payment from the Ohio department of job and family services for providing publicly funded child care services.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Non-compliance may result in the loss of an agreement to provide publicly funded child care services.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

Child care providers must maintain child care records on-site. The amount of time required for record keeping is dependent upon the number of children enrolled in the program.